

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

OHIO NATIONAL LIFE ASSURANCE  
CORPORATION,  
Plaintiff

V.

TRICIA JEAN MURPHY, LYNN ANN  
POWERS, MARK ASHLEY WOOD, PENNY  
JEAN WOOD, and SANDRA LEE WOOD,  
Defendants

CIVIL ACTION NO. 04-40207FDS

**OHIO NATIONAL LIFE ASSURANCE CORPORATION'S MOTION FOR JUDGMENT  
ON THE PLEADINGS AND ATTORNEYS' FEES**

The plaintiff, Ohio National Life Assurance Corporation ("Ohio National"), moves pursuant to Federal Rule of Civil Procedure 12(c) for judgment on the pleadings discharging it from any further liability in this interpleader action and awarding it reasonable attorneys fees and costs.

As set forth more fully in the accompanying memorandum and affidavit, Ohio National moves for judgment on the pleadings and an award of attorneys' fees and costs for the following reasons:

1. Ohio National filed a Complaint for Interpleader pursuant to Federal Rules of Civil Procedure 22 and 28 U.S.C. §§1335, 1397 and 2361 to require the defendants to interplead and settle among themselves their rights to the proceeds of two annuity contracts owned by the late Shirley B. Wood.

2. Three of the five defendants have answered the interpleader complaint.

3. The subject of this litigation is the death benefits of two annuity contracts totaling \$89,733.12. Ohio National is a disinterested stakeholder who concedes liability, has deposited the disputed funds into court, and now seeks a discharge from liability and an award of attorneys' fees and costs.

4. Ohio National has incurred \$8,785.00 in attorneys' fees and \$194.54 in costs maintaining this interpleader complaint and filing necessary motions.

5. WHEREFORE, Ohio National respectfully requests this Court grant its motion for judgment on the pleadings, discharge it from any further liability and award reasonable attorneys' fees in the amount of \$8,785.00 and costs in the amount of \$194.54.

OHIO NATIONAL LIFE ASSURANCE  
CORPORATION

By its attorneys,

/s/ Joseph M. Hamilton  
Joseph M. Hamilton, BBO #546394  
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Dated: February 8, 2005

CERTIFICATE OF SERVICE

I, Joseph M. Hamilton, hereby certify that I have this day served a copy of the foregoing document, by mailing a copy, first class mail, postage prepaid, to John Sousa, Esq., 285 Main Street, Worcester, MA 01608; Bobby L. Hazelton, Esq., Fletcher, Tilton & Whipple, PC, 370 Main Street, Worcester, MA 01608; Tricia Jean Murphy, 5 Trowbridge Circuit, Worcester, MA 01603; and Mark Ashley Wood, 117 Moreland Street, Worcester, MA 01609-1043.

/s/ Joseph M. Hamilton

Dated: February 8, 2005